

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Sep 29, 2021**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Matthew Edward Baumrucker Case Number: 0980 2:14CR00114-RMP-1
Address of Offender: Spokane, Washington 99016
Name of Sentencing Judicial Officer: The Honorable Rosanna Malouf Peterson, U.S. District Judge
Date of Original Sentence: May 4, 2015
Original Offense: Felon in Possession of a Firearm, 18 U.S.C. §§ 922(g)(1) and 924(a)(2)
Original Sentence: Prison - 92 Months; Type of Supervision: Supervised Release
TSR - 36 Months
Asst. U.S. Attorney: Caitlin A. Baunsgard Date Supervision Commenced: December 11, 2020
Defense Attorney: Amy H. Rubin Date Supervision Expires: December 10, 2023

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 08/27/2021.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
3	<u>Mandatory Condition #3:</u> The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two drug tests thereafter, as determined by the Court.

Supporting Evidence: Mr. Baumrucker is alleged to have violated mandatory condition number 3 by ingesting methamphetamine on or about September 3, 2021, based on urinalysis testing.

On December 10, 2020, Mr. Baumrucker's conditions of supervised release specific to 2:14CR00114-RMP-1 were reviewed with him telephonically due to the current and continued COVID-19 pandemic. On January 4, 2021, the signed document was received by the U.S. Probation Office in Spokane. Specifically, Mr. Baumrucker was made aware by the undersigned officer that he was to refrain from any unlawful use of a controlled substance.

On September 3, 2021, Mr. Baumrucker reported to Pioneer Human Services in Spokane, as required for random urinalysis testing, upon his assigned color being called by the provider. Mr. Baumrucker subsequently submitted a urinalysis sample for testing that

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reflected as being presumptive positive for methamphetamine. A signed drug use admission form was subsequently received by the undersigned officer from the provider in which the client signed his name, admitting to the use of methamphetamine, but in which he did not complete the form in full, ultimately leaving the field requiring a date of last use blank.

On September 7, 2021, Mr. Baumrucker was contacted telephonically by the undersigned officer, at which time the client maintained that he had not used any form of illicit substances since his last admitted use of marijuana, as previously occurring on or about August 21, 2021. Mr. Baumrucker indicated at that time he may have unintentionally ingested methamphetamine, in addition to marijuana, as he suspected the product could have been laced with the substance, although admitted to only intentionally ingesting marijuana.

On September 27, 2021, the lab results were received with respect to the client's previously submitted urinalysis sample as outlined herein, which confirmed the sample as being positive for amphetamine and methamphetamine. According to the contract laboratory, methamphetamine and its metabolite are normally detectable in the urine stream for 24-72 hours after use. Therefore, the client's recent September 3, 2021, submitted urinalysis sample would appear to substantiate new use beyond the client's previous admission.

It should be noted that on September 3, 2021, Mr. Baumrucker also reported to the U.S. Probation Office in Spokane for sweat patch removal. The sweat patch was worn by the client from August 26 through September 3, 2021, and was applied given the client's previous reported failure to comply with urinalysis testing instructions as reported to the Court in the petition dated August 27, 2021. On September 15, 2021, the lab results specific to the client's previously adhered sweat patch were received by this officer and confirmed the sample submitted as being positive for methamphetamine.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: September 29, 2021

s/Chris Heinen

Chris Heinen
U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

9/29/2021

Date